

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
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**BEFORE THE
PHYSICIAN ASSISTANT BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 950-2014-000202

FREDERICK CURTIS
1119 Pacific Avenue
Alameda, CA 94501

A C C U S A T I O N

Physician Assistant License No. PA-22492

Respondent.

Complainant alleges:

PARTIES

1. Glenn L. Mitchell, Jr. (Complainant) brings this Accusation solely in his official capacity as the Executive Officer of the Physician Assistant Board, Department of Consumer Affairs. On or about August 24, 2012, the Physician Assistant Board issued Physician Assistant License Number PA-22492 to Frederick Curtis ("Respondent").

JURISDICTION

2. This Accusation is brought before the Physician Assistant Board ("Board"), Department of Consumer Affairs, under the authority of the following sections of the California Business and Professions Code ("Code") and/or other relevant statutory enactment unless otherwise indicated:

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1 A. Section 3527 of the Code provides that the Board may revoke, suspend or
2 impose probation, on a physician assistant license for unprofessional conduct which includes, but
3 is not limited to, a violation of this chapter, a violation of the Medical Practice Act, or a violation
4 of the regulations adopted by the Board or the Medical Board of California. Additionally, the
5 Board may order the licensee to pay the costs of monitoring the probationary conditions that are
6 imposed on the license.

7 B. Section 3531 of the Code provides that a plea or verdict of guilty or a conviction
8 following a plea of nolo contendere made to a charge of a felony or of any offense which is
9 substantially related to the qualifications, functions, or duties of the business or profession to
10 which the license was issued is deemed to be a conviction within the meaning of this chapter.

11 C. California Code of Regulations, title 16, section 1399.525, states:

12 "For the purposes of the denial, suspension or revocation of a license or approval pursuant
13 to division 1.5 (commencing with section 475) of the code, a crime or act shall be considered to
14 be substantially related to the qualifications, functions or duties of a person holding a license or
15 approval under the Physician Assistant Practice Act if to a substantial degree it evidences present
16 or potential unfitness of a person holding such a license or approval to perform the functions
17 authorized by the license or approval in a manner consistent with the public health, safety or
18 welfare. Such crimes or acts shall include, but are not limited to, the following:

19 "(a) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
20 violation of, or conspiring to violate any provision or term of the Medical Practice Act.

21 "(b) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
22 violation of, or conspiring to violate any provision or term of the Physician Assistant Practice
23 Act.

24 3. California Code of Regulations Section 1399.521.5 defines "unprofessional conduct"
25 to include the failure to report to the Board within 30 days any of the following:

26 (1) The bringing of an indictment or information charging a felony against the
27 licensee;

28 (2) The arrest of the licensee;

1 (3) The conviction of the licensee, including any verdict of guilty, or pleas of guilty
2 or no contest, of any felony or misdemeanor; or

3 (4) Any discipline action taken by another licensing entity or authority of this state or
4 another state or agency of the federal government or the United States military.

5 4. Section 802.1 of the Code provides that a physician assistant must report to the
6 Physician Assistant Board within 30 days "any plea of guilty or no contest, of any felony or
7 misdemeanor."

8 COST RECOVERY

9 5. Section 125.3 of the Code provides in part that in any order issued in resolution of a
10 disciplinary proceeding before any Board, the Board may request the administrative law judge to
11 direct a licensee found to have committed a violation or violations of the licensing act to pay a
12 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

13 6. Additionally, Section 125.3 of the Code provides that a certified copy of the actual
14 costs, or a good faith estimate of costs where actual costs are not available, signed by the entity
15 bringing the proceeding or its designated representative shall be prima facie evidence of
16 reasonable costs of investigation and prosecution of the case. The costs shall include the amount
17 of investigative and enforcement costs up to the date of the hearing, including, but not limited to,
18 charges imposed by the Attorney General.

19 7. Further, Section 125.3 of the Code provides that where an order for recovery of costs
20 is made and timely payment is not made as directed in the Board's decision, the Board may
21 enforce the order for repayment in any appropriate court. This right of enforcement shall be in
22 addition to any other rights the Board may have as to any licensee to pay costs.

23 FIRST CAUSE FOR DISCIPLINE

24 (Unprofessional Conduct/Substantially –related Conviction)

25 8. Respondent's license is subject to disciplinary action under code sections 3527 and
26 3531, as well as California Code of Regulations section 1399.525 in that he has a substantially-
27 related conviction. The circumstances are as follows:

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1 9. On or about December 5, 2013, Respondent, acting in his capacity as a physician
2 assistant treated a patient who was actually an undercover investigator working for the Alameda
3 County District Attorney's Office.

4 10. For that December 5, 2013, medical appointment Respondent subsequently submitted
5 a bill and supporting documentation to Farmers Insurance that contained false information
6 regarding the examination and treatment of the undercover investigator working for the Alameda
7 County District Attorney's Office.

8 11. On or about January 16, 2014, Respondent, acting in his capacity as a physician
9 assistant treated a patient who was actually an undercover investigator working for the Alameda
10 County District Attorney's Office.

11 12. For that January 16, 2014, medical appointment Respondent subsequently submitted a
12 bill and supporting documentation to Farmers Insurance that contained false information
13 regarding the examination and treatment of the undercover investigator working for the Alameda
14 County District Attorney's Office.

15 13. On or about March 13, 2014, a Walk Warrant for the arrest of Respondent was filed
16 with the Alameda County Superior Court for the State of California in the matter *People of the*
17 *State of California v. Frederick Ertur Curtis and Gary Marinovsky*, case number 455636-B. The
18 Walk Warrant alleged one felony violation and four misdemeanor violations of the California
19 Penal Code for actions allegedly related to the December 5, 2013, and January 16, 2014,
20 examinations and treatment of the undercover investigator working for the Alameda County
21 District Attorney's Office.

22 14. On or about July 8, 2014, Respondent was subsequently arrested for one felony
23 violation and four misdemeanor violations of the California Penal Code for actions allegedly
24 related to the December 5, 2013, and January 16, 2014, examinations and treatment of the
25 undercover investigator working for the Alameda County District Attorney's Office.

26 15. On or about August 19, 2014, Respondent entered a plea of "No Contest" to the crime
27 of Penal Code section 550(a)(7), a misdemeanor, knowingly submitting a claim for a health care
28 benefit that was not used by or on behalf of, the claimant.

1 16. In return for the plea of "No Contest" for violation of Penal Code section 550(a)(7),
2 Respondent has been sentenced to 3 years probation, 100 hours of community service, and credit
3 for time served, with that sentence to be deferred for a period of one-year, during which time
4 Respondent is to be de-briefed by the Alameda County District Attorney's Office, and
5 Respondent is to obey all laws and be of good conduct. If Respondent complies with those
6 conditions then the charge of violating Penal Code section 550(a)(7) will be dismissed.

7 17. Respondent's actions and plea subjects his license to discipline based on his
8 substantially-related conviction in violation of code sections 3527 and 3531, as well as California
9 Code of Regulations section 1399.525.

10 SECOND CAUSE FOR DISCIPLINE

11 (Arrest/Criminal Conviction/Failure to report)

12 18. On or about July 8, 2014, Respondent was arrested for one felony violation and four
13 misdemeanor violations of the California Penal Code for actions allegedly related to the
14 December 5, 2013, and January 16, 2014, examinations and treatment of the undercover
15 investigator working for the Alameda County District Attorney's Office.

16 19. Respondent subsequently failed to report to the Board his arrest within the 30 days
17 proscribed by Section 802.1 of the Code, and as by section 1399.521.5 of the California Code of
18 Regulations. In fact, Respondent has never reported to the Board his arrest.

19 20. On or about August 19, 2014, Respondent pleaded "No Contest" to the charge of
20 misdemeanor violation of Penal Code Section 550(a)(7).

21 21. Respondent subsequently failed to report to the Board his plea of "No Contest" to
22 Penal Code Section 550(a)(7) within the 30 days proscribed by Section 802.1 of the Code, and as
23 by section 1399.521.5 of the California Code of Regulations. In fact, Respondent has never
24 reported to the Board his plea of "No Contest."

25 22. Respondent's failure to report either the arrest or the plea of "No Contest" in violation
26 of section 802.1 constitutes unprofessional conduct under Business and Professions Code and
27 California Code of Regulations section 1399.521.5 and is cause for discipline.

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1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Physician Assistant Board issue a decision:


4 1. Revoking or suspending Physician Assistant License Number PA-22492, issued to
5 Frederick Curtis;

6 2. Ordering Frederick Curtis to pay the Physician Assistant Board the reasonable costs
7 of the investigation and enforcement of this case, pursuant to Business and Professions Code
8 section 125.3;

9 3. Ordering Respondent, if placed on probation, to pay the costs of probation
10 monitoring; and

11 4. Taking such other and further action as deemed necessary and proper.
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14 DATED: March 23, 2015


15 GLENN L. MITCHELL, JR.
16 Executive Officer
17 Physician Assistant Board
18 Department of Consumer Affairs
19 State of California
20 Complainant

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